

REMARKS

Applicants respectfully request that the above-identified application be reexamined.

The April 13, 2006, Office Action ("Office Action") in the above-identified application acted only on the claims remaining in this application (Claims 68-81). As a result of two previous election/restriction requirements, the remaining claims that have not been canceled have been withdrawn from consideration.

The Office Action rejected Claims 68-81 under 35 U.S.C. § 112, first and second paragraphs. In addition, Claims 68-81 were rejected under 35 U.S.C. § 103(a) based on the teachings of U.S. Patent No. 6,584,309 (Whigham).

While applicants disagree with the 35 U.S.C. § 112, first and second paragraphs rejections, in order to advance the prosecution of this application, minor clarifying amendments have been made to Claim 68, the only independent claim in this application. More specifically, the 35 U.S.C. § 112 rejection, first paragraph, identified two bases for the rejection, the first being that "a computer-executable component" recited in lines 1 and 2 of Claim 68 does not have support in the original specification, and the second being that "establishing a premium telephone communication link" does not have support in the original specification. The latter recitation is referred to in lines 3-4 of Claim 68. The rejection of 35 U.S.C. § 112, second paragraph, states that "a premium telephone communication link" is not clear as to its meaning and appears to be a relative term with no boundary and requires clarification. Again, this recitation is stated to be on lines 3-4 of Claim 36.

The "premium telephone communication link" recitations referred to in the 35 U.S.C. § 112, first and second paragraphs rejections is not contained in lines 3 and 4 of Claim 68. Presumably, the Examiner intended to refer to line 6 of Claim 68, which does include this language. Regardless, applicants have changed the objected-to recitation to read "using a premium telephone number to establish a telephone communication link ("premium telephone communication link")." Applicants initially note that there is support in the original specification for the original language, namely, "establishing a premium telephone communication link" in the present application. The Examiner's attention is directed to page 5, which contains the words "establishes a premium telephone communication link" (lines 10-11) and "premium telephone communication link" (lines 19, 22, and 27). The same terminology was employed in parent application No. 09/299,156. Regardless of the support for the prior recitation, applicants respectfully submit that amendment to Claim 68 clearly finds support in the specification. See page 8, lines 22-35, for example. As a result, applicants respectfully submit that the rejection

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under 35 U.S.C. § 112, first paragraph, based on this terminology has been rendered moot and request that it be withdrawn.

Regarding the objection to "a premium telephone communication link" under 35 U.S.C. § 112, second paragraph, applicants respectfully submit that this terminology is clear and has meaning. One way of obtaining a premium telephone communication link is by dialing a premium number. An example of a premium number, described in the specification and the claims, is a "900" number, which is a time billing number. As a result, applicants respectfully request that the rejection of Claims 68-81 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Regarding the rejection of Claims 68-81 under 35 U.S.C. § 112, first paragraph, based on the wording "a computer-executable component," Claim 68 has been amended to eliminate this terminology, even though applicants believe that it is fully supported by the specification. Claim 68 has been reworded to recite "a computer-readable medium having a plug-in component containing program code for ordering a product from . . ." The terminology "program code" is used in and, thus, supported by the original specification. As a result, applicants respectfully submit that the rejection of Claims 68-81 under 35 U.S.C. § 112, first paragraph, based on the inclusion of "a computer-executable component," has been rendered moot and request that it be withdrawn.

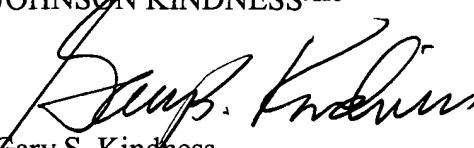
Regarding the rejection of Claims 68-81 under 35 U.S.C. § 103 based on the teachings of Whigham, applicants point out that present application is a continuation of prior Application No. 09/299,156, filed April 22, 1999, prior to the filing date of Whigham (December 16, 1999). Application No. 09/299,156, in turn, is a continuation-in-part (CIP) of an even earlier filed application, Application No. 09/064,797, filed April 22, 1998. Since the parent of the present application predates the effective date of Whigham, Whigham is clearly not applicable as a prior art reference that is usable. As a result, applicants respectfully submit that the rejection of Claims 68-81 under 35 U.S.C. § 103(a), based on the teachings of Whigham, is in error and respectfully request that it be withdrawn.

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In view of the foregoing amendments and remarks, applicants respectfully submit that this application is clearly in condition for allowance. Consequently, early and favorable action allowing Claims 68-81 and passing this application to issue is respectfully solicited.

Respectfully submitted,

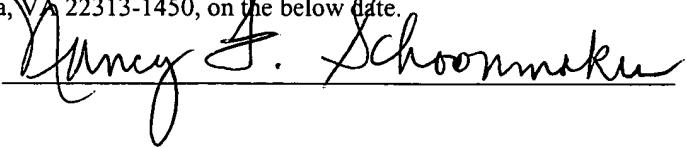
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